

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 5-3 and by adding Sections 1-3.39 and 6-36 as
6 follows:

7 (235 ILCS 5/1-3.39 new)

8 Sec. 1-3.39. Homemade brewed beverage. "Homemade brewed
9 beverage" means beer or any other beverage obtained by the
10 alcoholic fermentation of an infusion or concoction of grains,
11 sugars, or both in water and includes, but is not limited to,
12 beer, mead, and cider made by a person 21 years of age or
13 older, through his or her own efforts, fermented at his or her
14 place of residence, fermented at another place of residence of
15 a homemade brewed beverage brewer, or fermented at a premises
16 of a commercial enterprise that is engaged primarily in selling
17 supplies and equipment for use by home brewers and not for a
18 commercial purpose but for consumption by that person or his or
19 her family, neighbors, guests, and friends or for use at an
20 exhibition, demonstration, judging, tasting, or sampling with
21 sampling sizes as authorized by Section 6-31 of this Act or as
22 part of a contest or competition authorized by Section 6-36 of
23 this Act.

1 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

2 Sec. 5-3. License fees. Except as otherwise provided
 3 herein, at the time application is made to the State Commission
 4 for a license of any class, the applicant shall pay to the
 5 State Commission the fee hereinafter provided for the kind of
 6 license applied for.

7 The fee for licenses issued by the State Commission shall
 8 be as follows:

9 For a manufacturer's license:

10	Class 1. Distiller	\$3,600
11	Class 2. Rectifier	3,600
12	Class 3. Brewer	900
13	Class 4. First-class Wine Manufacturer	600
14	Class 5. Second-class	
15	Wine Manufacturer	1,200
16	Class 6. First-class wine-maker	600
17	Class 7. Second-class wine-maker	1200
18	Class 8. Limited Wine Manufacturer	120
19	Class 9. Craft Distiller	1,800
20	Class 10. Craft Brewer	25
21	For a Brew Pub License	1,050
22	For a caterer retailer's license	200
23	For a foreign importer's license	25
24	For an importing distributor's license	25
25	For a distributor's license	270

1	For a non-resident dealer's license	
2	(500,000 gallons or over)	270
3	For a non-resident dealer's license	
4	(under 500,000 gallons)	90
5	For a wine-maker's premises license	100
6	For a winery shipper's license	
7	(under 250,000 gallons)	150
8	For a winery shipper's license	
9	(250,000 or over, but under 500,000 gallons)	500
10	For a winery shipper's license	
11	(500,000 gallons or over)	1,000
12	For a wine-maker's premises license,	
13	second location	350
14	For a wine-maker's premises license,	
15	third location	350
16	For a retailer's license	500
17	For a special event retailer's license,	
18	(not-for-profit)	25
19	For a special use permit license,	
20	one day only	50
21	2 days or more	100
22	For a railroad license	60
23	For a boat license	180
24	For an airplane license, times the	
25	licensee's maximum number of aircraft	
26	in flight, serving liquor over the	

1 State at any given time, which either
2 originate, terminate, or make
3 an intermediate stop in the State 60

4 For a non-beverage user's license:

5 Class 1 24
6 Class 2 60
7 Class 3 120
8 Class 4 240
9 Class 5 600

10 For a broker's license 600
11 For an auction liquor license 50
12 For a homebrewer special event permit 25

13 Fees collected under this Section shall be paid into the
14 Dram Shop Fund. On and after July 1, 2003, of the funds
15 received for a retailer's license, in addition to the first
16 \$175, an additional \$75 shall be paid into the Dram Shop Fund,
17 and \$250 shall be paid into the General Revenue Fund. Beginning
18 June 30, 1990 and on June 30 of each subsequent year through
19 June 29, 2003, any balance over \$5,000,000 remaining in the
20 Dram Shop Fund shall be credited to State liquor licensees and
21 applied against their fees for State liquor licenses for the
22 following year. The amount credited to each licensee shall be a
23 proportion of the balance in the Dram Fund that is the same as
24 the proportion of the license fee paid by the licensee under
25 this Section for the period in which the balance was
26 accumulated to the aggregate fees paid by all licensees during

1 that period.

2 No fee shall be paid for licenses issued by the State
3 Commission to the following non-beverage users:

4 (a) Hospitals, sanitariums, or clinics when their use
5 of alcoholic liquor is exclusively medicinal, mechanical
6 or scientific.

7 (b) Universities, colleges of learning or schools when
8 their use of alcoholic liquor is exclusively medicinal,
9 mechanical or scientific.

10 (c) Laboratories when their use is exclusively for the
11 purpose of scientific research.

12 (Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11.)

13 (235 ILCS 5/6-36 new)

14 Sec. 6-36. Homemade brewed beverages.

15 (a) No license or permit is required under this Act for the
16 making of homemade brewed beverages or for the possession,
17 transportation, or storage of homemade brewed beverages by any
18 person 21 years of age or older, if all of the following apply:

19 (1) the person who makes the homemade brewed beverages
20 receives no compensation;

21 (2) the homemade brewed beverages is not sold or
22 offered for sale; and

23 (3) the total quantity of homemade brewed beverages
24 made, in a calendar year, by the person does not exceed 100
25 gallons if the household has only one person 21 years of

1 age or older or 200 gallons if the household has 2 or more
2 persons 21 years of age or older.

3 (b) A person who makes, possesses, transports, or stores
4 homemade brewed beverages in compliance with the limitations
5 specified in subsection (a) is not a brewer, craft brewer,
6 wholesaler, retailer, or a manufacturer of beer for the
7 purposes of this Act.

8 (c) Homemade brewed beverages made in compliance with the
9 limitations specified in subsection (a) may be consumed by the
10 person who made it and his or her family, neighbors, and
11 friends at any private residence or other private location
12 where the possession and consumption of alcohol is permissible
13 under this Act, local ordinances, and other applicable law,
14 provided that the homemade brewed beverages are not made
15 available for consumption by the general public.

16 (d) Homemade brewed beverages made in compliance with the
17 limitations specified in subsection (a) may be used for
18 purposes of a public exhibition, demonstration, tasting, or
19 sampling with sampling sizes as authorized by Section 6-31, if
20 the event is held at a private residence or at a location other
21 than a retail licensed premises. If the public event is not
22 held at a private residence, the event organizer shall obtain a
23 homebrewer special event permit for each location, and is
24 subject to the provisions in subsection (a) of Section 6-21.
25 Homemade brewed beverages used for purposes described in this
26 subsection (d), including the submission or consumption of the

1 homemade brewed beverages, are not considered sold or offered
2 for sale under this Act. A public exhibition, demonstration,
3 tasting, or sampling with sampling sizes as authorized by
4 Section 6-31 held by a licensee on a location other than a
5 retail licensed premises may require an admission charge to the
6 event, but no separate or additional fee may be charged for the
7 consumption of a person's homemade brewed beverages at the
8 public exhibition, demonstration, tasting, or sampling with
9 sampling sizes as authorized by Section 6-31. Event admission
10 charges that are collected may be partially used to provide
11 prizes to makers of homemade brewed beverages, but the
12 admission charges may not be divided in any fashion among the
13 makers of the homemade brewed beverages who participate in the
14 event. Homemade brewed beverages used for purposes described in
15 this subsection (d) are not considered sold or offered for sale
16 under this Act if a maker of homemade brewed beverages receives
17 free event admission or discounted event admission in return
18 for the maker's donation of the homemade brewed beverages to an
19 event specified in this subsection (d) that collects event
20 admission charges; free admission or discounted admission to
21 the event is not considered compensation under this Act. No
22 admission fee and no charge for the consumption of a person's
23 homemade brewed beverage may be collected if the public
24 exhibition, demonstration, tasting, sampling with sampling
25 sizes as authorized by Section 6-31 is held at a private
26 residence.

1 (e) A person who is not a licensee under this Act may at a
2 private residence, and a person who is a licensee under this
3 Act may on the licensed premises, conduct, sponsor, or host a
4 contest, competition, or other event for the exhibition,
5 demonstration, judging, tasting, or sampling of homemade
6 brewed beverages made in compliance with the limitations
7 specified in subsection (a), if the person does not sell the
8 homemade brewed beverages and, unless the person is the brewer
9 of the homemade brewed beverages, does not acquire any
10 ownership interest in the homemade brewed beverages. If the
11 contest, competition, exhibition, demonstration, or judging is
12 not held at a private residence, the consumption of the
13 homemade brewed beverages is limited to qualified judges and
14 stewards as defined by a national or international beer judging
15 program, who are identified by the event organizer in advance
16 of the contest, competition, exhibition, demonstration, or
17 judging. Homemade brewed beverages used for the purposes
18 described in this subsection (e), including the submission or
19 consumption of the homemade brewed beverages, are not
20 considered sold or offered for sale under this Act and any
21 prize awarded at a contest or competition or as a result of an
22 exhibition, demonstration, or judging is not considered
23 compensation under this Act. An exhibition, demonstration,
24 judging, contest, or competition held by a licensee on a
25 licensed premises may require an admission charge to the event,
26 but no separate or additional fee may be charged for the

1 consumption of a person's homemade brewed beverage at the
2 exhibition, demonstration, judging or, contest, or
3 competition. A portion of event admission charges that are
4 collected may be used to provide prizes to makers of homemade
5 brewed beverages, but the admission charges may not be divided
6 in any fashion among the makers of the homemade brewed
7 beverages who participate in the event. Homemade brewed
8 beverages used for purposes described in this subsection (e)
9 are not considered sold or offered for sale under this Act if a
10 maker of homemade brewed beverages receives free event
11 admission or discounted event admission in return for the
12 maker's donation of the homemade brewed beverages to an event
13 specified in this subsection (e) that collects event admission
14 charges; free admission or discounted admission to the event is
15 not considered compensation under this Act. No admission fee
16 and no charge for the consumption of a person's homemade brewed
17 beverage may be charged if the exhibition, demonstration,
18 judging, contest, or competition is held at a private
19 residence. The fact that a person is acting in a manner
20 authorized by this Section is not, by itself, sufficient to
21 constitute a public nuisance under Section 10-7 of this Act. If
22 the contest, competition, or other event is held on licensed
23 premises, the licensee may allow the homemade brewed beverages
24 to be stored on the premises if the homemade brewed beverages
25 are clearly identified, kept separate from any alcohol
26 beverages owned by the licensee. If the contest, competition,

1 or other event is held on licensed premises, other provisions
2 of this Act not inconsistent with this Section apply.

3 (f) A commercial enterprise engaged primarily in selling
4 supplies and equipment to the public for use by homebrewers may
5 manufacture homemade brewed beverages for the purpose of
6 tasting the homemade brewed beverages at the location of the
7 commercial enterprise, provided that the homemade brewed
8 beverages are not sold or offered for sale. Homemade brewed
9 beverages provided at a commercial enterprise for tasting under
10 this subsection (f) shall be in compliance with Sections 6-16,
11 6-21, and 6-31 of this Act. A commercial enterprise engaged
12 solely in selling supplies and equipment for use by homebrewers
13 shall not be required to secure a license under this Act,
14 however, such commercial enterprise shall secure liquor
15 liability insurance coverage in an amount at least equal to the
16 maximum liability amounts set forth in subsection (a) of
17 Section 6-21 of this Act.

18 (g) Homemade brewed beverages are not subject to Section
19 8-1 of this Act.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.